IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE JURISDICTION

Writ Petition No.7084 of 2005

Shri Bapusaheb S Patil .. Petitioner

vs

The State of Mah and anr...Respondents

Mr C.J.Sawat with Mr Mahadeo Choudhari for petitioner

Mr. A A Kumbhkoni Associate Advocate General with Mr A.H Palekar AGP for respondent nos. l,3 and 4

Mr. M.M.Vashi with P R Arjunwadkar for respondent no.2

CORAM: S.U.KAMDAR J.

Dated 16.l2.2005

P.C:

. By consent of the parties the following order is passed:

a). Keeping the impugned order of the Collector in suspension, the matter is remanded back to the Collector to determine whether the election application no.l of 2005 filed by the respondent

no. 2 is in compliance with rules 6 and 7 of the Maharashtra Local Authority Members Disqualification Rules, l987, hereinafter referred to as the said Rules. The Collector is required to apply his mind and pass speaking order determining whether there is compliance with rules 6 and 7 of the said Rules. The Collector is directed to decide the said issue after hearing both parties within a period of four weeks from today.

b). The matter is remanded for the limited purpose. The order passed by the Collector is against the petitioner, same will not be implemented for a period of two weeks from the date of its communication to the petitioner and the petitioner will be at liberty to challenge the impugned suspended order as well as the fresh order passed by the Collector on its own merits in accordance with law.

c). In the light of the aforesaid petition is disposed of accordingly with no order as to costs.

. Parties to act on the authenticate copy of this order.